

Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN THE MATTER OF THE EXTRADITION
OF RODERICK MUCHIKEKWANAPE

NO. MJ20-800

a/k/a

**GOVERNMENT'S MOTION
TO UNSEAL COMPLAINT AND
ARREST WARRANT**

“MUCHIKEKWANAPE, Roderick, Rodney”

“GAMBLER, Thomas Robert”

“STARKES, Paul Edward”

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Gregory A. Gruber, Assistant United States Attorney for said District, requests entry of an order unsealing the Complaint for Extradition and related arrest warrant in the above captioned matter. The Complaint for Extradition and related arrest warrant were filed, and ordered sealed (at the request of the government) by Magistrate Judge Tsuchida, on December 14, 2020.

The law provides that such materials may remain under seal during the pendency of an investigation. *See United States v. Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*. Those reasons

1 can include the need to (1) protect the identity and safety of witnesses, (2) protect the
2 integrity of other investigations, (3) avoid risk of flight, tampering with witnesses, or
3 destruction of evidence, (4) protect a national security concern, (5) protect a matter
4 occurring before the grand jury, (6) protect victims, or (7) protect the safety of the target
5 of the investigation.

6 With due consideration of the factors identified above, and after consultation with
7 the United States Marshals Service, the government has determined there is no longer a
8 compelling reason to maintain those documents under seal (although the government
9 does not seek to unseal any supporting documents or docket entries, etc., and asks that
10 those materials remain sealed). Indeed, it is now thought that the goal of locating and
11 arresting the fugitive defendant may be furthered by seeking the help of the public via the
12 media. The current sealed nature of this matter, however, prevents that option. The
13 United States therefore respectfully requests entry of the attached order, which would
14 unseal only the Complaint for Extradition and the related arrest warrant.

15 DATED this 12th day of February, 2021.

16
17 Respectfully submitted,

18 BRIAN T. MORAN
19 United States Attorney

20 s/Gregory A. Gruber
21 GREGORY A. GRUBER
22 Assistant United States Attorney
23 United States Attorney's Office
24 1201 Pacific Avenue, Suite 700
25 Tacoma, Washington 98402
26 Telephone: (253) 428-3808
27 Fax: (253) 428-3826
28 E-mail: Gregory.A.Gruber@usdoj.gov

ORDER

Based upon the government's motion, and the representations made therein, the Government's Motion to Unseal is GRANTED.

IT IS HEREBY ORDERED that the Complaint for Extradition and related arrest warrant, previously filed under seal in MJ20-800, shall be UNSEALED. Any other supporting documents, as well as docket entries in the matter, shall remain SEALED at this time.

DATED this 12 day of Feb., 2021.



BRIAN A. TSUCHIDA
United States Magistrate Judge